

FILED

UNITED STATES COURT OF APPEALS

JUN 02 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ELIZABETH AIDA HASKELL;
REGINALD ENTO; JEFFREY PATRICK
LYONS, Jr.; AAKASH DESAI, on behalf
of themselves and others similarly situated,

Plaintiffs - Appellants,

v.

EDMUND G. BROWN, Jr., Attorney
General of California; EVA
STEINBERGER, Assistant Bureau Chief
for DNA Programs, California Department
of Justice,

Defendants - Appellees.

No. 10-15152

D.C. No. 3:09-cv-04779-CRB
Northern District of California,
San Francisco

ORDER

Before: W. FLETCHER and M. SMITH, Circuit Judges, and TODD, Senior
District Judge.*

This case is withdrawn from submission pending a final en banc decision in
United States v. Pool, No. 09-10303. The parties are requested to file simultaneous
letter briefs on the effect of *Pool* within 45 days of the final decision. The letter

* The Honorable James Dale Todd, Senior District Judge for the U.S.
District Court for Western Tennessee, Jackson, sitting by designation.

briefs shall not exceed 10 pages in length. This case will be resubmitted upon the filing of those briefs, unless otherwise ordered.